IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Francesco Santangelo Art Unit.: 1614

Examiner: P.G. SPIVACK Serial No.: 10/583,334

Confirmation No.: 9753 March 7, 2007 Filed:

For: USE OF CYSTEIN OR CYSTEINE FOR THE PREVENTION AND

TREATMENT OF OXIDATIVE STRESS CAUSED BY HAEMODIALYSIS AND OF

ACUTE OR CHRONIC KIDNEY DISEASES

Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION (37 C.F.R. SECTION 1.321(c))

Identification of Person(s) Making This Disclaimer

I,	
(type or print names of all inventors or assigns	or name of attorney signing disclaimer)
(a) represent that I am	
[] an inventor (applicant) of this	invention.
CERTIFICATE OF MAILING/TRA I hereby certify that this correspondence is, on the date shown below	
MAILING □ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450	transmitted by facsimile to the Patent and Trademark Office to (571) 273-8300 EFS-WEB
Date: October 8, 2010	

WARNING:	university, government agen	"If the patent or patent application is assigned to an organization, such as a corporation, partnership, university, government agency or similar entity, and the disclaimer is signed by the assignee, the assignee must comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 56-61 at 56, § 1490, M.P.E.P., 7th Edition.			
	[] an assignee of t				
	- · ·	e authorized to sign on behalf of the assignee identified below.			
	[] A statement un	der 37 C.F.R. Section 3.73(b) is attached.			
WARNING:	See the above "WARNING."				
	[x] the attorney of	record for this invention.			
NOTE:	The rules "permit an attornation comply with Section 3.73(b) M.P.E.P., 7th Edition.	ey or agent of record to sign a terminal disclaimer without the need to I." Notice of Oct. 15, 1993, 1156 O.G. 54-61, at 56. See also Section 1490,			
	IDENTITY OF ASS	IGNEE AND TITLE OF DISCLAIMANT (if any)			
The assignee	is				
Name of	assignee BIO 3 RESEA	RCH S. R. L.			
Address	of assignee Via De	ei Cappuccini 2			
	Milano	o, Italy			
If signed	by assignee, title of disclai	mant authorized to sign on behalf of assignee			
	EXTENT O	OF DISCLAIMANT'S INTEREST			
The extent of	the interest in this invention	on that the disclaimant(s) owns is:			
[]	the whole of this invent	ion.			
[]	a sectional interest in this invention, as follows:				
NOTE:	Disclaimer(s) from the who	le interest must be filed.			
	(state the	exact interest of the disclaimant)			
The disclaim	ant(s) is/are:				
[]	the applicant(s)	(name of applicants)			
[]	the assignee(s)	(name of assignee)			

RECORDAL OF ASSIGNMENT IN PTO

(if applicable)

[x]	The assignment was recorded on <u>March 7, 2007</u>
	Reel <u>019057</u> Frame <u>0107</u>
[]	Authorization for recordal of the assignment is separately filed:
	[] "ASSIGNMENT (DOCUMENT) COVER SHEET" or [] FORM PTO 1595 is also attached.
	DISCLAIMER
(Provision	al Obviousness-Type Double Patenting Rejection Over A Pending Application)
Noagrees that any	ereby disclaims, except as provided below, the terminal part of any patent granted on the ion, which would extend beyond the expiration date of any patent granted on Application, filed on, as shortened by any terminal disclaimer. Petitioner hereby patent so granted on the instant application shall be enforceable only for and during such d any patent granted on the above-listed application are commonly owned. This agreement atent granted on the instant application and is binding upon the grantee, its successors, or
on the instant a 35 U.S.C. Sectidouble patentin it later: expires competent jurise 1.321, has all c prior to expirat	he above disclaimer, disclaimant does not disclaim the terminal part of any patent granted pplication that would extend to the expiration date of the full statutory term as defined in ions 154 to 156 and 173 of any patent granted on the application forming the basis of the grejection, namely, any patent granted on Application No.:, in the event that for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of diction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section laims cancelled by a reexamination certificate, is reissued, or is in any manner terminated ion of its full statutory term as presently shortened by any terminal disclaimer, except for of legal title stated above.
	DISCLAIMER FEE (37 C.F.R. Section 1.20(d))
[]	Other than a small entityfee \$140.00 Small entityfee \$70.00 [] Small entity statement attached [] Small entity statement already filed

(Obviousness-Type Double Patenting Rejection Over A Prior Patent)

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of Patent No. 6,627,659 as presently shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of the patent forming the basis of the double patenting rejection, namely, Patent No.: 6,627,659, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

DISCLAIMER FEE (37 C.F.R. Section 1.20(d))

[x] Small entityfe	entity statement attached entity claimed or statement alread	
	AND/OR	
(Provisional Obvio A	usness-Type Double Patenting I ApplicationReexamination Pro	Rejection Over A Pending ceeding)
reexamined, which would extend, filed on agrees that any reexamination ce only for and during such period to	d beyond the expiration date of an as shortened by any ortificate issued on the instant pater hat it and any patent granted on the ith any reexamination certificate is	ne terminal part of any patent being my patent granted on Application No terminal disclaimer. Petitioner hereby not being reexamined shall be enforceable above-listed application are commonly ssued on the instant patent granted and
certificate granted on the instant full statutory term as defined is application forming the basis of No.:, in the eunenforceable, is found invalid terminally disclaimed under 37 certificate, is reissued, or is in	t patent being reexamined that won 35 U.S.C. Sections 154 to 156 the double patenting rejection, narrownt that it later: expires for failed by a court of competent jurisdiction C.F.R. Section 1.321, has all any manner terminated prior to	claim the terminal part of any reissue buld extend to the expiration date of the and 173 of any patent granted on the mely, any patent granted on Application are to pay a maintenance fee, is held on, is statutorily disclaimed in whole or claims cancelled by a reexamination expiration of its full statutory term as paration of legal title stated above.

DISCLAIMER FEE (37 C.F.R. Section 1.20(d))

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		(date)
AND/OR		
		Prior Patent
ate of Patent Nogrees that the patent enforceable only for ned. This agreement on the grantee, its sant does not disclain would extend to the nd 173 of the patent, as presently should	as for which a reex or and during such truns with any resuccessors, or assem the terminal part expiration date of forming the basis retened by any terminal part of the successors.	presently shortened by amination certificate is h period that it and the examination certificate signs. It of any reexamination of the full statutory term of the double patenting minal disclaimer, in the
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FEE (37 C.F.R. See	ction 1.20(d))	
ent attached ent already filed	on	(date)
	AND/OR Ouble Patenting Remination Proceeding atte of Patent Nogrees that the patent enforceable only formed. This agreement on the grantee, its stant does not disclaim would extend to the notation of the patent, as presently show a maintenance fee, it will disclaimed in which disclaimed in which it is stated above. FEE (37 C.F.R. See \$140.00 ent attached ent already filed	AND/OR ouble Patenting Rejection Over A Imination Proceeding) vided below, the terminal part of the pate of Patent Noas grees that the patent for which a reex enforceable only for and during such ned. This agreement runs with any report the grantee, its successors, or assumed to the grantee, its successors, or assumed to the expiration date of the patent forming the basis, as presently shortened by any term as presently shortened by a reexamination certificate, its full statutory term as presently shortened by a title stated above. FEE (37 C.F.R. Section 1.20(d)) ee \$140.00 ent attached ent already filed

FEE PAYMENT

Already paid		
Attached is a check in the sum of \$ Charge Account 12-0425 for any fee deficiency.		
Charge Deposit Account 12-0425 the sum of \$ 70.00		
Post Allowance and Post Issuance Fee Code 1814 if filed electronically.		
Signature of disclaimant(s)		
or		
1053 SIGNATURE OF PRACTITIONER John Richards		
212) 708 1915 (type or print name of practitioner)		
P.O. Address c/o Ladas & Parry LLP 26 West 61 st Street New York, N.Y. 10023		